



House of Representatives

General Assembly

File No. 470

January Session, 2007

Substitute House Bill No. 7160

House of Representatives, April 11, 2007

The Committee on Public Health reported through REP. SAYERS, P. of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING FUNERALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-65 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 The embalmer or funeral director licensed by the department, or
4 licensed in a state having a reciprocal agreement on file with the
5 department and complying with the terms of such agreement, who
6 assumes custody of a dead body shall obtain a [burial transit] removal,
7 transit and burial permit from the registrar of the town in which the
8 death occurred or the town in which the embalmer or funeral director
9 maintains a place of business not later than five calendar days after
10 death, and prior to final disposition or removal of the body from the
11 state. The embalmer or funeral director who assumes custody and
12 control of the body and obtains a removal, transit and burial permit
13 from the registrar of the town in which the embalmer or funeral
14 director maintains a place of business shall be obligated to file the
15 death certificate, in accordance with the provisions of section 7-62b, in

16 person, through an electronic registry system or by certified mail,
17 return receipt requested. The burial permit shall specify the place of
18 burial or other place of interment and state that the death certificate
19 and any other certificate required by law have been returned and
20 recorded. Such registrar shall appoint suitable persons as
21 subregistrars, who shall be authorized to issue a [burial transit]
22 removal, transit and burial permit for any death that occurs in the
23 registrar's town, based upon receipt of a completed death certificate as
24 provided in section 7-62b, during the hours in which the registrar of
25 vital records is closed. All such certificates upon which a permit is
26 issued shall be forwarded to the registrar [within] not later than seven
27 days after receiving such certificates. The appointment of subregistrars
28 shall be made in writing, with the approval of the selectmen of such
29 town, and shall be made with reference to locality, to best
30 accommodate the inhabitants of the town. Such subregistrars shall be
31 sworn, and their term of office shall not extend beyond the term of
32 office of the appointing registrar. The names of such subregistrars shall
33 be reported to the Department of Public Health. The Chief Medical
34 Examiner, Deputy Chief Medical Examiner and associate medical
35 examiners shall be considered subregistrars of any town in which
36 death occurs for the purpose of issuing [burial permits and] removal,
37 transit and burial permits. The fee for such removal, transit and burial
38 permit [and burial transit removal permit] shall be paid to the town [in
39 which the death occurred] issuing the removal, transit and burial
40 permit.

41 Sec. 2. Section 7-66 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective July 1, 2007*):

43 The sexton of a cemetery shall specify on the burial permit the place
44 of burial, by section, lot or grave, or other place of interment. No
45 additional burial or [burial transit] removal, transit and burial permit
46 shall be required for a body that is placed temporarily in a receiving
47 vault of any cemetery and subsequently buried in the same cemetery.
48 In each case herein provided for, the sexton of such cemetery shall
49 endorse upon the burial permit the date when the body was placed in

50 the temporary receiving vault, and the date when and the place where
51 such body was subsequently buried. The sexton shall also include a
52 statement of the same in the monthly returns to the registrar of vital
53 statistics. The sexton shall send a copy of the endorsed removal, transit
54 and burial permit, or the permit for final disposition if the death
55 occurred in another state, to the registrar of vital statistics who filed
56 the death certificate for the body for which said removal, transit and
57 burial permit was issued. If such subsequent burial is to be in any
58 cemetery other than the cemetery where the body was temporarily
59 deposited or if the body is to be cremated, the sexton shall return the
60 burial permit to the issuing registrar, who shall thereupon issue the
61 necessary permits. Any person who violates any provision of this
62 section shall be fined not more than five hundred dollars or
63 imprisoned not more than five years.

64 Sec. 3. Section 7-69 of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective July 1, 2007*):

66 No person except a licensed embalmer or funeral director licensed
67 by the department, or licensed in a state having a reciprocal agreement
68 on file with the department and complying with the terms of such
69 agreement, shall remove the body of a deceased person, except that
70 once the body of a deceased person has been embalmed or prepared in
71 accordance with the Public Health Code and applicable provisions of
72 the general statutes, a licensed embalmer or funeral director may
73 authorize an unlicensed employee to transport such body. No person
74 except a licensed embalmer or funeral director licensed by the
75 department, or licensed in a state having a reciprocal agreement on file
76 with the department, shall remove the body of any deceased person
77 from this state to another state until a [burial transit] removal, transit
78 and burial permit has been issued in accordance with section 7-65. No
79 [burial transit] removal, transit and burial permit shall be issued unless
80 the death certificate has been signed by a licensed embalmer or funeral
81 director licensed by the department, or licensed in a state having a
82 reciprocal agreement on file with the department and complying with
83 the terms of such agreement. In the case of a deceased person who, at

84 the time of death, had a communicable disease specified by the Public
85 Health Code, the permit shall certify that the body was prepared in
86 accordance with the regulations of the Public Health Code. Such
87 permit shall be sufficient to permit the burial of such deceased person
88 in any town in this state other than the town in which such person
89 died, without a burial permit from the registrar of the town where
90 such person is to be buried. If the body of a deceased person is brought
91 into the state for burial or cremation and is accompanied by a [burial
92 transit] removal, transit and burial permit, or a permit for final
93 disposition indicating the manner and place of final disposition of the
94 body, issued by the legally constituted authorities of the state from
95 which such body was brought, such permit shall be received as
96 sufficient authority for burial or cremation; except that, if such body is
97 not accompanied by such permit, the person or persons in charge of
98 such body shall apply for a burial permit to the registrar of vital
99 statistics of the town in which such body is to be buried, and such
100 registrar shall issue such permit when furnished with such information
101 as to the identity of the deceased person and the cause of death as is
102 required by section 7-62b concerning a person dying in this state. Any
103 person who violates any provision of this section, or who knowingly
104 signs a false permit or knowingly allows a false permit to be used in
105 lieu of a permit required by this section, shall be fined not more than
106 five hundred dollars or imprisoned not more than six months, or both.

107 Sec. 4. Subsection (a) of section 7-73 of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective July*
109 *1, 2007*):

110 (a) To any person performing the duties required by the provisions
111 of the general statutes relating to registration of marriages, deaths and
112 fetal deaths, the following fees shall be allowed: (1) For the license to
113 marry, ten dollars; and (2) for issuing each burial or [burial transit]
114 removal, transit and burial permit, three dollars.

115 Sec. 5. Section 19a-91 of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective from passage*):

117 (a) As used in this section:

118 (1) "Wash" means to bathe or treat the entire surface of a dead
119 human body with a disinfecting and deodorizing solution or to treat
120 the entire surface of the dead human body with embalming powder.

121 (2) "Embalm" means to inject the circulatory system of a dead
122 human body with embalming fluid in an amount not less than five per
123 cent of the body weight, or to inject the body cavity of a dead human
124 body with embalming fluid in an amount necessary to properly
125 preserve the body and render it sanitary.

126 (3) "Wrap" means to place a dead human body in a burial or
127 cremation pouch made of not less than four millimeters of plastic.

128 (4) "Embalming fluid" means a fluid containing not less than four
129 per cent formaldehyde gas by weight.

130 (5) "Disinfecting solution" means an aqueous solution or spray
131 containing not less than five per cent phenol by weight.

132 (b) No licensed embalmer or funeral director shall remove a dead
133 human body from the place of death to another location for
134 preparation until the body has been temporarily wrapped. If the body
135 is to be transported by common carrier, the licensed embalmer or
136 funeral director having charge of the body shall have the body washed
137 or embalmed and then enclosed in a casket and outside box or, in lieu
138 of such double container, by being wrapped.

139 (c) In addition to the requirements set forth in subsection (b) of this
140 section, in the case of death resulting from a disease on the current list
141 of reportable diseases developed pursuant to section 19a-36-A2 of the
142 regulations of Connecticut state agencies, the licensed embalmer or
143 funeral director having charge of the dead human body shall prepare
144 such body for burial or cremation by having the body washed,
145 embalmed or wrapped as soon as practicable after the body arrives at
146 the licensed embalmer's or licensed funeral director's place of business.
147 The provisions of this subsection do not apply if death is not the result

148 of a disease on the current list of reportable diseases developed
149 pursuant to section 19a-36-A2 of the regulations of Connecticut state
150 agencies, provided the licensed embalmer or funeral director having
151 charge of the body takes appropriate measures to ensure that the body
152 does not pose a threat to the public health.

153 (d) A licensed embalmer or funeral director shall dispose of any
154 burial or cremation pouch used to wrap a dead human body after each
155 use or clean and wash such pouch with a disinfecting solution after
156 each use. No licensed embalmer or funeral director may use a solution
157 for disinfecting that does not meet the standard specified in the
158 definition under subdivision (5) of subsection (a) of this section unless
159 such solution is approved, in writing, by the Department of Public
160 Health.

161 (e) The Department of Public Health may adopt such regulations, in
162 accordance with chapter 54, concerning the preparation and
163 transportation of the bodies of deceased persons to be removed from
164 or into the limits of any town or into any adjoining state, as the public
165 health and welfare may require. Such regulations shall be signed by
166 the Commissioner of Public Health, and a copy thereof shall be mailed
167 to each town clerk, licensed embalmer and funeral director at least
168 fifteen days before such regulations take effect. Any person who
169 violates any regulation of the department adopted pursuant to the
170 provisions of this section shall be fined not more than fifty dollars.

171 Sec. 6. Section 19a-270 of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective July 1, 2007*):

173 The first selectman of any town, the mayor of any city, the
174 administrative head of any state correctional institution or the
175 superintendent or person in charge of any almshouse, asylum,
176 hospital, morgue or other public institution which is supported, in
177 whole or in part, at public expense, having in his or her possession or
178 control the dead body of any person which, if not claimed as
179 [hereinafter] provided in this section, would have to be buried at
180 public expense, or at the expense of any such institution, shall,

181 immediately upon the death of such person, notify [his] such person's
182 relatives thereof, if known, and, if such relatives are not known, shall
183 notify the person or persons bringing or committing [him] such person
184 to such institution. Such official shall, within twenty-four hours from
185 the time such body came into his or her possession or control, give
186 notice thereof to the Department of Public Health and shall deliver
187 such body to The University of Connecticut, the Yale University School
188 of Medicine or the University of Bridgeport College of Chiropractic or
189 its successor institution, as said department may direct and in
190 accordance with an agreement to be made among said universities in
191 such manner as is directed by said department and at the expense of
192 the university receiving the body, if The University of Connecticut,
193 Yale University, or the University of Bridgeport College of
194 Chiropractic or its successor institution, at any time within one year,
195 has given notice to any of such officials that such bodies would be
196 needed for the purposes specified in section 19a-270b; provided any
197 such body shall not have been claimed by a relative, either by blood or
198 marriage, or a legal representative of such deceased person prior to
199 delivery to any of said universities. The university receiving such body
200 shall not embalm such body for a period of at least forty-eight hours
201 after death, and any relative, either by blood or marriage, or a legal
202 representative of such deceased person may claim such body during
203 said period. If any such body is not disposed of in either manner
204 [herein] specified in this section, it may be cremated or buried. When
205 any person has in his or her possession or control the dead body of any
206 person which would have to be buried at public expense or at the
207 expense of any such institution, he or she shall, within forty-eight
208 hours after such body has come into his or her possession or control,
209 file, with the registrar of the town within which such death occurred, a
210 certificate of death as provided in section 7-62b, unless such certificate
211 has been filed by a funeral director. Before any such body is removed
212 to any of said universities, the official or person contemplating such
213 removal shall secure a [burial transit] removal, transit and burial
214 permit which shall be delivered with the body to the official in charge
215 of such university, who shall make return of such [burial transit]

216 removal, transit and burial permit in the manner provided in section 7-
217 72.

218 Sec. 7. Section 19a-323 of the general statutes is repealed and the
219 following is substituted in lieu thereof (*Effective July 1, 2007*):

220 The body of any deceased person may be disposed of by
221 incineration or cremation in this state or may be removed from the
222 state for such purpose. If death occurred in this state, the death
223 certificate required by law shall be filed with the registrar of vital
224 statistics for the town in which such person died, if known, or, if not
225 known, for the town in which the body was found. The Chief Medical
226 Examiner, Deputy Chief Medical Examiner, associate medical
227 examiner, or an authorized assistant medical examiner shall complete
228 the cremation certificate, stating that such medical examiner has made
229 inquiry into the cause and manner of death and is of the opinion that
230 no further examination or judicial inquiry is necessary. The cremation
231 certificate or, if the death occurred in another state, the permit for final
232 disposition issued by the legally constituted authorities of the state
233 from which such body was brought and indicating cremation for the
234 body shall be submitted to the registrar of vital statistics of the town in
235 which such person died, if known, or, if not known, of the town in
236 which the body was found, or with the registrar of vital statistics of the
237 town in which the funeral director having charge of the body is
238 located. Upon receipt of the cremation certificate, the registrar shall
239 authorize the cremation certificate, keep it on permanent record, and
240 issue a cremation permit, except that if the cremation certificate is
241 submitted to the registrar of the town where the funeral director is
242 located, such certificate shall be forwarded to the registrar of the town
243 where the person died to be kept on permanent record. The estate of
244 the deceased person, if any, shall pay the sum of forty dollars for the
245 issuance of the cremation certificate or an amount equivalent to the
246 compensation then being paid by the state to authorized assistant
247 medical examiners, if greater. No cremation certificate shall be
248 required (1) for a permit to cremate the remains of bodies pursuant to
249 section 19a-270a, or (2) when the death occurred in another state and a

250 permit for final disposition has been issued by the legally constituted
251 authorities of the state from which such body was brought. When the
252 cremation certificate is submitted to a town other than that where the
253 person died, the registrar of vital statistics for such other town shall
254 ascertain from the original [burial transit] removal, transit and burial
255 permit that the certificates required by the state statutes have been
256 received and recorded, that the body has been prepared in accordance
257 with the Public Health Code and that the entry regarding the place of
258 disposal is correct. Whenever the registrar finds that the place of
259 disposal is incorrect, the registrar shall issue a corrected [burial transit]
260 removal, transit and burial permit and, after inscribing and recording
261 the original permit in the manner prescribed for sextons' reports under
262 section 7-72, shall then immediately give written notice to the registrar
263 for the town where the death occurred of the change in place of
264 disposal stating the name and place of the crematory and the date of
265 cremation. Such written notice shall be sufficient authorization to
266 correct these items on the original certificate of death. No body shall be
267 cremated until at least forty-eight hours after death, unless such death
268 was the result of communicable disease, and no body shall be received
269 by any crematory unless accompanied by the permit provided for in
270 this section. The fee for a cremation permit shall be three dollars and
271 for the written notice one dollar. The Department of Public Health
272 shall provide forms for cremation permits, which shall not be the same
273 as for regular burial permits and shall include space to record
274 information about the intended manner of disposition of the cremated
275 remains, and such blanks and books as may be required by the
276 registrars.

277 Sec. 8. Section 20-219a of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective July 1, 2007*):

279 (a) As used in this section: (1) "Licensee" means a funeral director or
280 embalmer licensed pursuant to this chapter; and (2) "department"
281 means the Department of Public Health; and (3) "registration period"
282 means the twelve-month period that commences on the date of
283 renewal of the licensee's license, as provided in section 19a-88, and is

284 current and valid.

285 (b) Each licensee shall complete a minimum of six hours of
286 continuing education during each registration period, two of which
287 shall be in the area of federal and state laws regarding the provision of
288 funeral services, including applicable Federal Trade Commission
289 regulations. Each licensee shall complete his or her initial continuing
290 education in the area of federal and state laws regarding the provision
291 of funeral services not later than twelve months after the licensee first
292 applies for license renewal after July 1, 2007. The remaining four hours
293 of continuing education shall be in areas related to the licensee's
294 practice, including, but not limited to, bereavement care, business
295 management and administration, religious customs and traditions
296 related to funerals, cremation services, cemetery services, natural
297 sciences, preneed services, restorative arts and embalming, [federal
298 and state laws governing funeral services,] counseling, funeral service
299 merchandising, sanitation and infection control, organ donation or
300 hospice care. The continuing education shall consist of courses offered
301 or approved by the Academy of Professional Funeral Service Practice,
302 educational offerings sponsored by a hospital or other licensed health
303 care institution or courses offered by a regionally accredited institution
304 of higher education.

305 (c) Each licensee shall obtain a certificate of completion from the
306 provider of the continuing education for all continuing education
307 hours that are successfully completed and shall retain a copy of such
308 certificate for a minimum of three years following the license renewal
309 date for which the activity satisfies the continuing education
310 requirement. Each funeral home and licensee shall maintain a copy of
311 such certificate for each licensee employed by the funeral home. Upon
312 request by the department, the licensee or funeral home shall submit
313 the certificate to the department.

314 (d) A licensee who fails to comply with the provisions of this section
315 shall be subject to disciplinary action pursuant to section 20-227.

316 (e) The continuing education requirements shall be waived for

317 licensees applying for license renewal for the first time. The
318 department may, for a licensee who has a medical disability or illness,
319 grant a waiver of the continuing education requirements for a specific
320 period of time or may grant the licensee an extension of time in which
321 to fulfill the requirements.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	7-65
Sec. 2	<i>July 1, 2007</i>	7-66
Sec. 3	<i>July 1, 2007</i>	7-69
Sec. 4	<i>July 1, 2007</i>	7-73(a)
Sec. 5	<i>from passage</i>	19a-91
Sec. 6	<i>July 1, 2007</i>	19a-270
Sec. 7	<i>July 1, 2007</i>	19a-323
Sec. 8	<i>July 1, 2007</i>	20-219a

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
All Municipalities	Revenue Impact	Potential Minimal	Potential Minimal

Explanation

The bill allows an embalmer or funeral director to obtain a removal, transit and burial permit from the town in which he or she maintains a place of business. Currently, the permit must be obtained from the registrar of the town in which the death occurred. As a \$3 permit fee is collected by local registrars of vital statistics when issuing these documents, this may prompt a shifting of fee revenues between towns.

No fiscal impact is anticipated in response to other provisions within the bill.

The Out Years

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$	FY 12 \$
All Municipalities	Revenue Impact	Potential Minimal	Potential Minimal	Potential Minimal

OLR Bill Analysis**sHB 7160*****AN ACT CONCERNING FUNERALS.*****SUMMARY:**

This bill:

1. establishes certain requirements for transporting, handling, and cleansing dead human bodies;
2. requires that two hours of the required continuing education for licensed funeral directors and embalmers address laws on funeral services;
3. amends the procedures for bodies brought into Connecticut for cremation;
4. changes the current "burial transit removal permit" to a "removal, transit and burial permit" and makes corresponding changes to applicable statutes; and
5. amends the duties of sextons.

EFFECTIVE DATE: Upon passage for the provisions on transporting and preparing a dead body; July 1, 2007 for the other provisions.

PREPARATION AND TRANSPORTING OF DEAD BODIES

The bill sets out a number of specific requirements addressing how a dead body must be transported, washed, embalmed, wrapped, and disinfected and defines these and related terms. It prohibits a licensed embalmer or funeral director from removing a dead body from the place of death to another location for preparation until the body has been temporarily wrapped. "Wrap," under the bill, means placing a

dead body in a burial or cremation pouch that consists of at least four millimeters of plastic.

Preparation of a Dead Body to be Transported

If the body will be transported by common carrier, the bill requires the embalmer or funeral director in charge of the body to have it washed or embalmed and then enclosed in a casket or outside box. Alternatively, the body can be wrapped instead of being placed in the two containers. "Washing" means bathing or treating the entire surface of the dead body with a disinfecting and deodorizing solution or treating the entire surface with embalming powder. "Disinfecting solution" refers to an aqueous solution or spray containing at least five percent phenol by weight. "Embalming" means injecting the (1) circulatory system of a dead body with embalming fluid (fluid with at least four percent formaldehyde gas by weight) in an amount of at least five percent of the body weight or (2) body cavity with enough embalming fluid to properly preserve the body and make it sanitary.

Death from a Reportable Disease

If the death resulted from a reportable disease, the embalmer or funeral director in charge of the body must meet all the requirements above and must also prepare the body for burial or cremation by having it washed, embalmed, or wrapped as soon as practicable after it arrives at the embalmers' or funeral director's place of business. If the death is not due to a reportable disease, the embalmer or funeral director must still take appropriate measures to ensure that the body is not a public health treat.

Disposal and Cleansing of Materials

The bill requires an embalmer or funeral director to dispose of any burial or cremation pouch used to wrap a dead body after each use or clean and wash it with a disinfecting solution. They are prohibited from using a disinfecting solution that does not meet the standard specified above unless it is approved in writing by the Department of Public Health (DPH).

CONTINUING EDUCATION

The bill requires that two hours of the already required six hours of continuing education for funeral directors and embalmers be dedicated to state and federal law on funeral services, including applicable Federal Trade Commission regulations. Licensees must complete their initial continuing education on these laws and regulations within 12 months after they first apply for license renewal after July 1, 2007.

Currently, each licensee must obtain a certificate of completion from the continuing education provider for all continuing education hours successfully completed and keep a copy of the certificate for a minimum of three years after license renewal. The bill requires each funeral home and licensee to keep a copy of the certificate for each licensee employed by the funeral home. (Presumably, the licensee only has to keep a copy for himself, not for each employee of the funeral home.)

CREMATION

The bill makes cremation procedures consistent with those for burial of a body by specifying that a cremation certificate is not needed if the death occurred in another state and the permit for final disposition of the body is issued by the legally authorized entity from the state where the body came from. When the death occurred in another state and cremation is desired, the out-of-state permit must be submitted to the registrar of vital statistics of the town in Connecticut where the funeral director has charge of the body.

Removal, Transit and Burial Permit

The bill changes the current “burial transit removals permit” to a “removal, transit and burial permit” and makes applicable changes to the relevant statutes. Under current law, an embalmer or funeral director, or one licensed in a state with a reciprocal agreement with this state, who takes custody of a dead body must obtain a burial transit removal permit from the registrar of the town in which the death occurred. This must be done within five calendar days after

death and before final disposition or removal of the body from the state.

The bill makes the embalmer or funeral director assuming custody and control of the body and obtaining a removal, transit and burial permit from the town registrar where he has his business, responsible for filing the death certificate in person, electronically, or by mail.

Duties of Sextons

The bill amends the duties of a sexton (a person responsible for the operation and maintenance of a cemetery) by requiring him or her to send a copy of the endorsed removal, transit and burial permit, or permit for final disposition if the death occurred in another state, to the registrar of vital statistics who filed the death certificate for the body.

BACKGROUND

Reportable Diseases

The statutes (CGS § 19a-2a) and the Public Health Code (Conn. Agencies Reg., § 19a-36-A2) require the DPH commissioner to annually issue a list of reportable diseases and amend it as deemed necessary. An advisory committee of public health officials, clinicians, and laboratory personnel contributes to this process.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 27 Nay 0 (03/26/2007)